



**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

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In reply refer to Public Notice No.

200100662

Issuance Date:

March 4, 2005

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Stream: Un Trib of Nimishillen Creek

Closing Date:

April 3, 2005

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

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**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

**APPLICANT:** Holmes Limestone Company  
PO Box 295  
Berlin, Ohio 44610

**LOCATION:** The 97.4 acre proposed project site is located south of Newmont Street and west of Bowmont Avenue near East Sparta, Stark County, Ohio.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to discharge fill material into 1.2 acres of wetlands in conjunction with the construction, operation, and reclamation of the Bowman Mining Area. Approximately 1,936 cubic yards of material will be placed in the wetland areas as a result of non-toxic spoil blending. The material will be from the surrounding topography and will be in the form of sandstone, shale, and clay. The wetlands to be filled are classified as Category wetlands under the Ohio Rapid Assessment Method.

**MITIGATION PLAN:** The applicant has submitted a Conceptual Mitigation Plan (CMP). To offset wetland impacts associated with the project, the applicant proposes to create 2.4 acres of Category 2 and/or 3 wetlands on-site following reclamation.

Plans of the proposed work are attached to this notice.

A section 401 Water Quality Certification is required for this project. Ohio EPA issued the required certification on April 30, 2002.

**ALTERNATIVE ANALYSIS:** This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. The applicant has been notified that an alternatives analysis must be submitted and approved before a decision will be made on this permit application. No permit will be issued until our review of the alternatives analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

**HISTORIC AND CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it has been determined that there are no listed properties eligible for the register in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. By letter dated July 10, 2003, Jeffrey C. Reichwein, Ph.D., with the Ohio Department of Natural Resources, Division of Mineral Resources Management granted historic and prehistoric properties clearance for the project site. Comments concerning archeological sensitivity of the project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** The project is located within the known or historic range of the following candidate, threatened, or endangered species:

Indiana Bat (E)  
Bald Eagle (T)  
Eastern Massasauga (C)

The Huntington District has consulted the most recently available information. With the implementation of avoidance and minimization measures, the project is not likely to adversely affect the Indiana Bat. Since the only Bald Eagle nest within the county is not located within ½ mile of the project, the project will have no effect on this species or designated Critical Habitat. In addition, available evidence indicates the project will have no effect on the Eastern Massasauga, a Federally listed candidate species, and/or suitable habitat for this species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

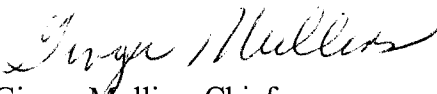
**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections.

Comments and requests for additional information should be submitted to:

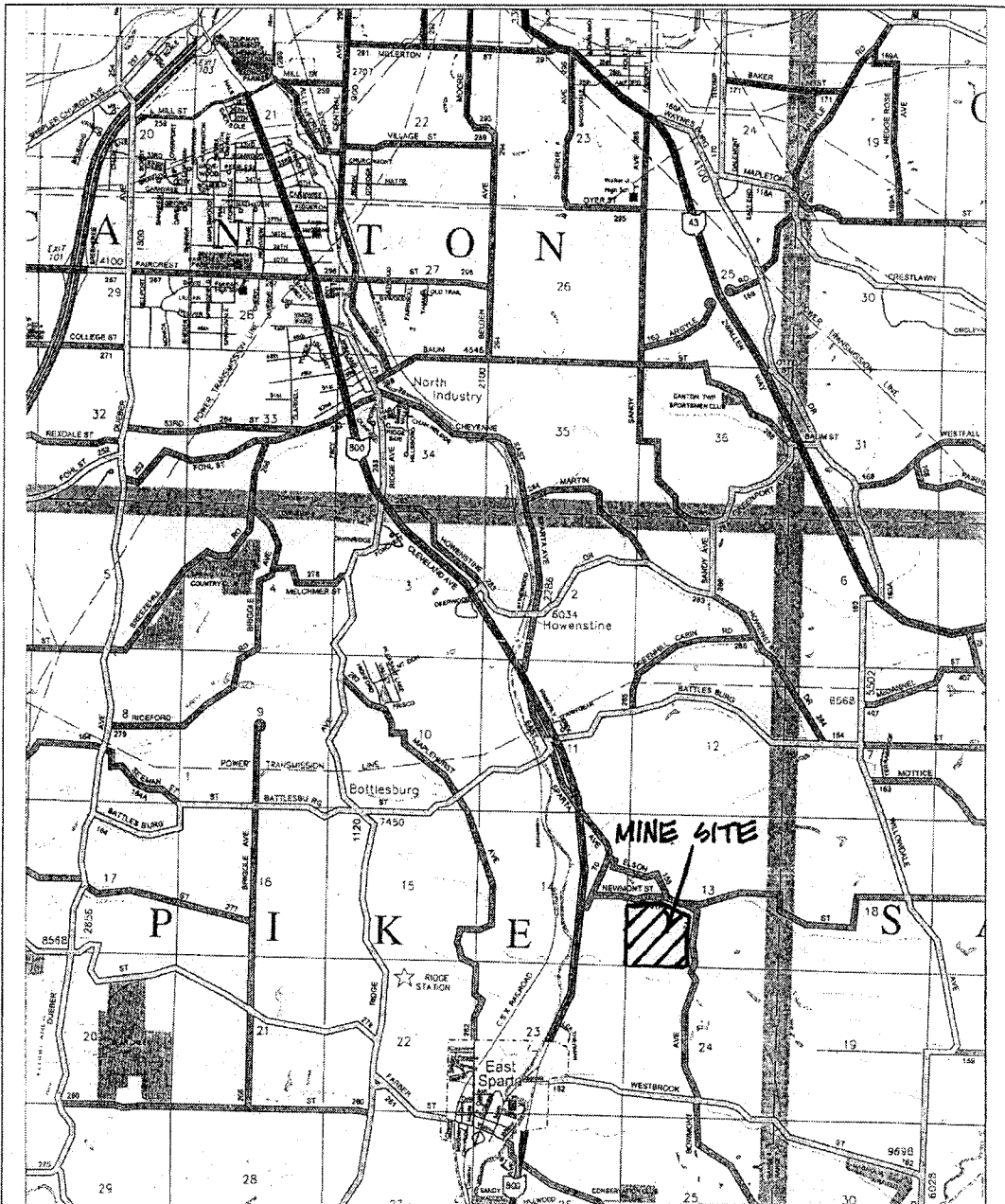
Ms. Jean B. Siedel, Regulatory Project Manager  
North Regulatory Permit Section, CELRH-OR-FN  
U. S. Army Corps of Engineers Huntington District  
502 Eighth Street  
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Ms. Jean B. Siedel of the North Regulatory Section, Dover Regulatory Field Office at (330)364-6177.



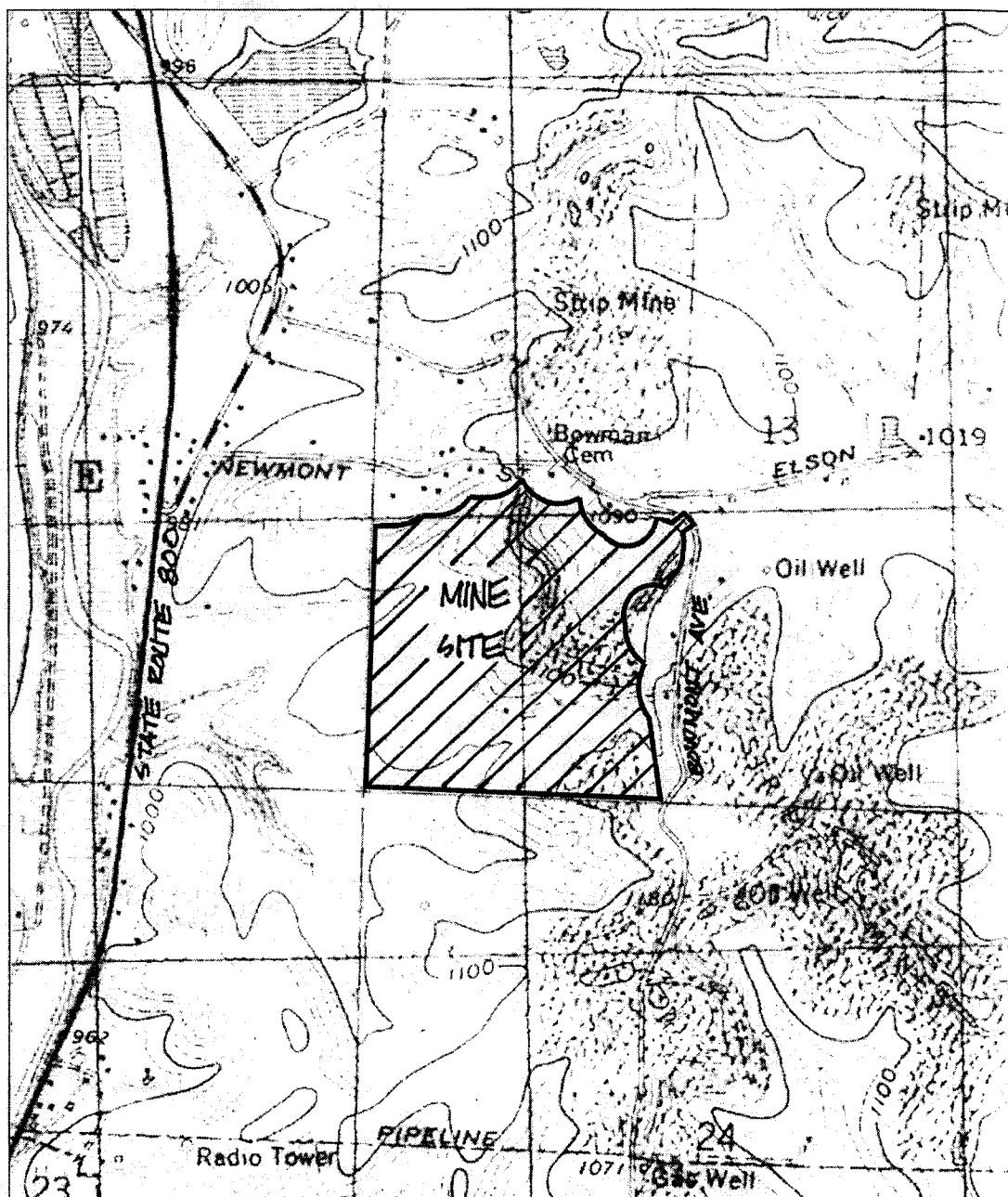
Ginger Mullins, Chief  
Regulatory Branch

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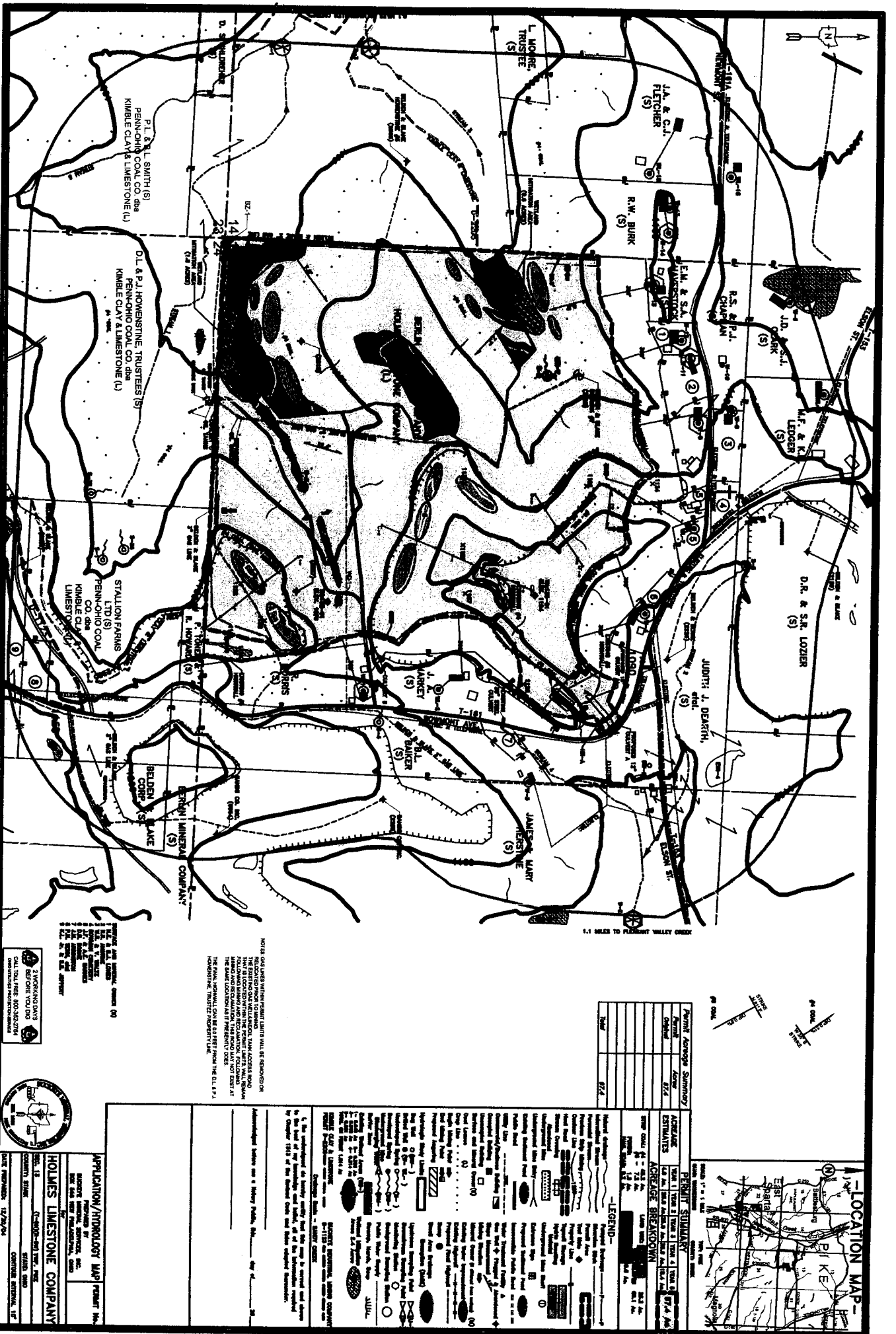
SHEET TITLE: <b>VICINITY MAP</b>		DATE: 12/20/04	SCALE: 1" = 1 MILE
PROJECT NAME: <b>BOWMAN APP. AREA</b>		DRAWN BY: CJW	
COMPANY NAME: <b>HOLMES LIMESTONE CO.</b>		PIKE TOWNSHIP STARK COUNTY	100.0 Ac.
Sheet 1 of 4			

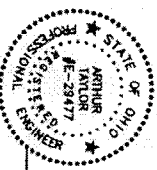
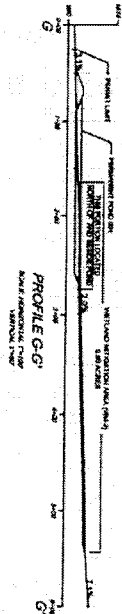
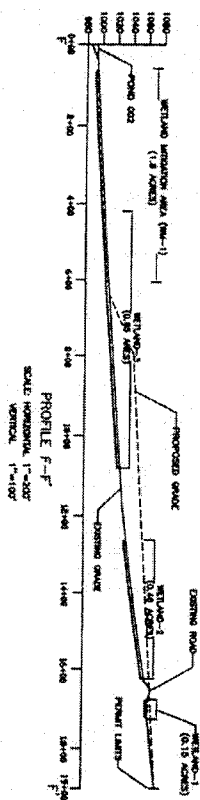
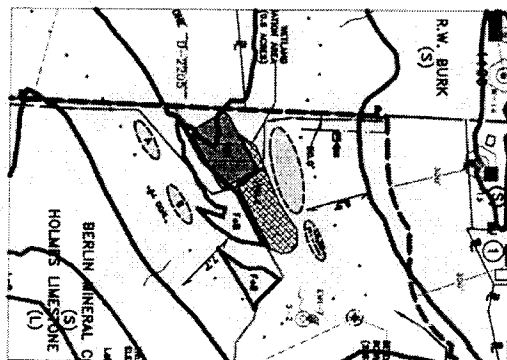
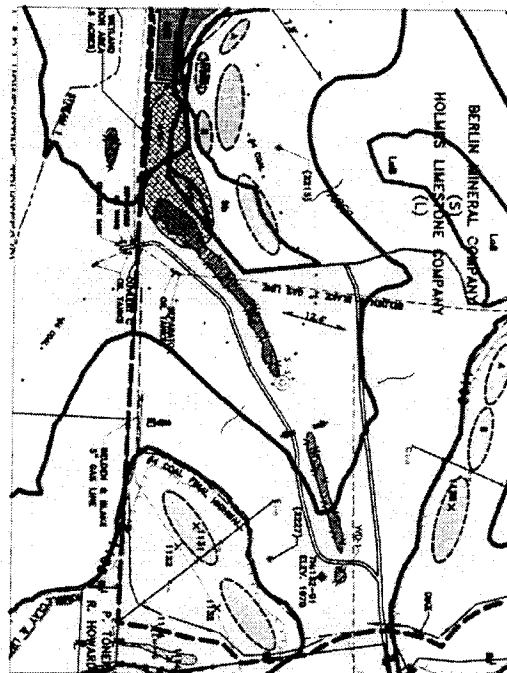




SHEET TITLE <b>LOCATION MAP</b>		DATE: 12/20/04	SCALE: 1" = 1,000'
PROJECT NAME <b>BOWMAN APP. AREA</b>		DRAWN BY: CJW	
COMPANY NAME: <b>HOLMES LIMESTONE CO.</b>		PIKE TOWNSHIP STARK COUNTY	100.0 Ac.
Sheet <u>2</u> of <u>4</u>			







ARTHUR TAYLOR, PE

# WETLAND MITIGATION PLAN

Approximately 1.2 acres of wetland habitat will be impacted by the proposed mining operation. This wetland acreage will be replaced at a mitigation ratio of 2.0:1 for a total of 2.4 acres of restored wetlands.

Approximately 180 feet of stream channel will be impacted by the proposed mining operation. This stream channel will be replaced as is the preceding wetland.

Prior to mining, the hyaline soils present in the delineated wetlands will be removed and stockpiled separately from the other removed topsoil. The removed hyaline soils will be used to re-soil the reconstructed wetlands following mining and reclamation.

The Wetland Mitigation Areas (WMA 1 & WMA 2) will be created, following reclamation, within the ravines located upstream from Points No. 001 & 002. Two WMA areas, which will comprise a total acreage of about 2.4 acres, will be created. (See Wetland Mitigation Plan View Profiles F-F' & G-G'). After the floodplains are graded all of the removed hyaline topsoil will be distributed over the designated wetland mitigation areas, and final grading completed. These areas will be periodically flooded in a similar manner to which existing wetland areas are inundated. Existing floodplains are broad and, in many cases, are nearly level with the valley bottom. The WMA areas will have similar characteristics. A seasonal surface water connection will be established between the WMA areas and Points No. 001 & 002. The reconstructed wetland will contain a floodplain, which will approximate original contours and provide hydrologic conditions conducive to the development and maintenance of at least 2.4 acres of wetland. The nearby level floodplain will retain hydrologic conditions necessary for the development and maintenance of desired wetland habitats.

Revegetation

The removed hyaline soils generally contain a satisfactory seed bank to regenerate the reconstructed wetlands. Supplemental seeding with wetland species will minimize the potential for invasive species encroachment and dominance.

## WETLAND MITIGATION PLAN

PREPARED BY		BUCKLE MINERAL SERVICES, INC.	
PROJECT NO.		BOX 244 NEW PHILADELPHIA, OHIO	
CLIENT		HOLMES LIMESTONE COMPANY	
DATE		JULY 1988	
SCALE		AS SHOWN	
DRAWN BY		ARTHUR TAYLOR	
CHECKED BY		ARTHUR TAYLOR	
APPROVED BY		ARTHUR TAYLOR	
DATE		JULY 1988	
PROJECT NO.		BOX 244 NEW PHILADELPHIA, OHIO	
CLIENT		HOLMES LIMESTONE COMPANY	
DATE		JULY 1988	
SCALE		AS SHOWN	
DRAWN BY		ARTHUR TAYLOR	
CHECKED BY		ARTHUR TAYLOR	
APPROVED BY		ARTHUR TAYLOR	
DATE		JULY 1988	